

The Court reviewed the Report and Recommendation of the Magistrate Judge for plain error. Finding none, the Court **ACCEPTS** the findings, conclusions, and recommendation of the United States Magistrate Judge.

It is therefore ORDERED:

- (1) Plaintiff's claims for deliberate indifference, failure to report, and failure to provide meals shall be dismissed with prejudice for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.
- (2) Plaintiff's claims against Defendants Nicholas Caro and Leticia Clark shall be dismissed without prejudice due to his failure to timely effectuate service.
- (3) Plaintiff's claims against Defendants Adam Castillo and Santiago Martinez for excessive use of force and against Defendant Frank Foley for bystander liability should proceed through the course of litigation. The Court will enter a scheduling order for the remaining claims by separate order.

There is no just reason for delay in entering a final judgment and final judgment should be entered as to the above-named Defendants and claims pursuant to Federal Rule of Civil Procedure 54(b).

JUDGMENT SHALL BE ENTERED ACCORDINGLY.

Dated September 7, 2018.



SAM R. CUMMINGS  
Senior United States District Judge